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U.S. DISTRICT COURT
DISTRICT OF WYOMING

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**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

Plaintiff(s),)	
)	
WILLIAM AYERS)	
MEGHAN LANKER)	Case No. <u>10-cv-79-D</u>
)	
vs.)	
)	
Defendant(s))	
)	
UNIVERSITY OF WYOMING)	
TOM BUCHANAN, in his official capacity)	

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE THAT THE PLAINTIFFS, William Ayers and Meghan Lanker, by and through counsel David A. Lane, Darold W. Killmer, Qusair Mohamedbhai, Sara Rich, Rebecca T. Wallace and Lisa R. Sahli of Killmer, Lane & Newman, LLP, and David Lindsey, hereby submit PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION enjoining Defendant's ongoing violations of the First Amendment to the United States Constitution.

1. Defendants have violated Plaintiffs' First Amendment rights by issuing a prior restraint against Plaintiff, William Ayers, by prohibiting him from speaking on campus on April 28, 2010, and by denying Plaintiffs the right to freely assemble and to associate with one another, and to be free from state action that discriminates on the basis of their viewpoint.

2. These violations are ongoing. But for injunctive relief, the Constitutional violations alleged in the Complaint will continue to occur. Injunctive relief is thus warranted to prevent future violations. *United States v. Oregon State Medical Soc.*, 343 U.S. 326, 333 (1952)(all that is needed for a cause of action for relief by injunction is a real threat of future violation or a contemporary violation of a nature likely to continue or recur).

4. Plaintiffs in a First Amendment case must satisfy four conditions to obtain a preliminary injunction and show: (1) they will suffer irreparable harm unless the injunction issues; (2) there is a substantial likelihood Plaintiffs will ultimately prevail on the merits; (3) the threatened injury to Plaintiffs outweighs any harm the proposed injunction may cause the opposing party; and (4) the injunction would not be contrary to the public interest. *American Civil Liberties Union v. Johnson*, 194 F.3d 1149, 1155 (10th Cir. 1999).

5. As detailed in Plaintiffs' Brief in Support of this Motion for Preliminary Injunction, submitted simultaneously herewith, each of the elements necessary to obtain a preliminary injunction is present in this action.

6. U.S.D.C.L.R. 7.1(b)(1)(A) Certific. Pursuant to local rule 7.1, prior to the filing of this Motion, on April 12, 2010, undersigned counsel personally spoke to Mr. Tom Rice, counsel for the University of Wyoming, asking his position on this Motion for a Preliminary

Injunction for Professor Ayers to speak on campus on April 28, 2010. On April 15, 2010, the University of Wyoming responded that they are opposed this motion.

WHEREFORE, Plaintiffs respectfully request that this Court grant the Motion for Preliminary Injunction, and grant such further relief as is just and proper.

Respectfully submitted this 15th day of April, 2010.

KILLMER, LANE & NEWMAN, LLP

s/ David A. Lane

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 2010, a true and correct copy of the foregoing MOTION FOR PRELIMINARY INJUNCTION, was filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Tom Rice, Esq.
trice@sgrllc.com

s/ David A. Lane
